

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 27, 2016

Elisabeth A. Shumaker
Clerk of Court

MICHAEL ED ERIKSON,

Plaintiff - Appellant,

v.

STATE OF OKLAHOMA; WOODS
COUNTY, OKLAHOMA,

Defendants - Appellees.

No. 16-6225
(D.C. No. 5:16-CV-00657-R)
(W.D. Okla.)

ORDER

Before **GORSUCH**, **MATHESON**, and **McHUGH**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider this appeal. *Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1274 (10th Cir. 2001) (noting “we have an independent duty to examine our own jurisdiction”). Generally, this court’s appellate jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute judgment.” *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999) (internal quotations omitted).

Here, Plaintiff Michael Erikson moved to recuse the district court judge assigned to his case. The case was subsequently reassigned to a different district judge in accordance with the district’s case management policies. The newly assigned judge then

denied the motion to recuse as moot, but has not otherwise addressed or resolved any of Mr. Erikson's claims in this case. The district court has not, therefore, issued a final decision, and the denial of a motion to recuse is not an appealable interlocutory order. *Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). Accordingly, we lack jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk